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To point out this former art, the preamble of new claim 1 will evoke the existence of the works contained in the mass memory.
"a *mass memory containing the data likely to be sold by the distributing machine*

d) - Enquiry page 4, line 9 - Need for a comparator of numerical fingerprints to achieve the goal of the invention: " To allow this easy access of the producers to this means of diffusion... ".
The producers who are mentioned page 1 of the description and page 2 of the enquiry are by definition and necessarily producers/creators **of new works**, and this status of producers/creators **of new works** can be validated only by the comparison of the works brought by an alleged producer/creator with the existing works.
This is done according to the invention by the means of comparison of the numerical fingerprints which can compare the works or the works brought by an alleged producer/creator with the totality of the existing works in the world, whose numerical fingerprints can be held up to date in the mass memory, without that all the corresponding works would bee available to the sale by the automatic distributor.

There existed already, at the date of anteriority, firms which proposed the numerical prints of a very great number of audio-visual works.
Currently certain firms claim to have the numerical prints of all the known songs, without they specifying unfortunately if they are only the songs in English language.
There existed already, at the date of priority of this application, hard disks of 500 GO making it possible to store on only one disc the totality of the known songs, accompanied by their numerical fingerprints.
On two of these hard disks could be stored the totality of the known musics and their numerical fingerprints.
In a small part of the volume of an office PC, and thus in the volume of the slot-machine according to the invention, could already be stored, at the date of priority, the fingerprints allowing to say if an alleged producer/creator is a true producer/creator.

Creation of a new industrial object - Checking of the originality of a work
The implementation to a new object of old techniques, creating a new industrial object, is a criterion of patentability necessary and sufficient.
An automatic collector-distributor **likely to put on sale under the name of an alleged new creator an old work would not be credible.**
It could infringe accidentally or voluntarily the laws on the intellectual ownership, and of this fact could not be practically marketed nor even practically used.

From the moment when this collector-distributor is suitable for check if the work which is proposed to him is original, i.e. sufficiently distant from an existing œuvre so that one cannot show it plagiarism, it becomes an attracting new industrial product.

It is thus seen that the means of creation and comparison of numerical fingerprints makes it possible to achieve in a way necessary and sufficient the goal of the invention by recognizing the true producer/creator to which the invention is addressed.

It was not quoted anteriority to this selection by comparison of numerical fingerprints, in the precise case of a slot-machine which is the object of this application.

e) - Enquiry page 3, line 24 - Hiring of a volume of the mass memory - Selected legal solution to the obliged relations Créator/Distributor
Within the framework of the goal of the invention " **To allow this easy access of the producers to this means of diffusion...** ", raises the question of the legal relation of the accepted producer/creator with the slot-machine.
There are several possible solutions.
The first is the pure and simple purchase of the œuvre to its creator by the slot-machine which then takes on him the totality of the financial risk.
The second is the free deposit of the work by its creator who will be satisfied with the hoped royalties, and who also does not take any financial risk.

But it should well be seen that the deposit of œuvres of a creator in the slot-machine creates legal bonds which it is necessary to specify and if possible concretize by a financial transaction engaging the two parts.
The simplest base of a contract engaging the two parts seems well the hiring of the volume occupied in the mass memory.
This volume is an objective element of an economic calculation of the distributor, and this volume cannot be disputed by the creator depositing.
The hiring implies a concept of duration essential in a contract.
The litigations being able to intervene about the not payment of a not cancelled hiring will concern the applicable right commerciable, thus besides that the conditions of cancellation which can be related to the commercial success of the œuvres deposited.
The amount of the hiring can be only symbolic.
But it is necessary, since there will be a division of the incomes, that there is a division of the financial risks.
The slot-machine not being able to take on a commitment on one unspecified duration, the hiring of the volume occupied by the œuvre and its appendices are thus the only balanced method pratiquable **and taking part in the goal of the invention**, and probably the only method whose financial risks would be insurable.

The hiring of volumes of the mass memory creates a new economic model of collector-distributor of numerical data whose financial entries are of two kinds: the sale of the works and the hiring of volumes of the mass memory, even if these financial entries are not of the same order.

If an economic model is not patentable, the use of technical means which allow it is patentable, which is the case of means determining the volume which will be occupied, and fixing the price of hiring of this volume.

The techniques allowing the evaluation of a volume of memory and the fixing of a price of hiring belong to former art, very former to the date of priority of this application.
A very known and old example is the hiring of a volume of memory by the providers of the sites internet.
I think that this example is sufficiently known, old and multiple, so that it is not necessary to dismount its mechanism.
It is indeed a hiring for the availability by a provider of sites of a definite volume of memory for a definite price is always limited in time, and renewable.

In the case of the presente invention, the means of determining the price of the hiring exist. Indeed, the affected reader to the reading of the works of a creator knows the number of bytes of a work read, his presentation and a possible plubicity, and the means of analysis knows the number of bytes of the numerical fingerprint.
Under these conditions the volume of the mass memory having to be occupied is known, and the price of the hiring results from the price of hiring by bytes which can be posted on the distributor.
The mechanism and the means of costing of hiring are thus the same ones as those determining the price to pay to obtain a selected and engraved œuvre, mechanism pertaining to former art.
In the same manner, the mechanism authorizing the writing on the mass memory only when the payment of the hiring is carries out is the same one as mecanism authorizing the delivery of a support containing the œuvre selected by a customer only when the payment of this support was carried out.

The new application of these old techniques to the mass memory of a slot-machine of former art thus has well the character of an invention and is integrated in a necessary way to the goal of the invention by bringing a technical particular solution to the legal problem of the deposit and exploitation of a work.

f) - Division of the claims in 3 independent claims and 9 dependent claims.

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CLAIMS LISTING

FORMER CLAIMS February 17, 2006.

1 **(Canceled)** Autonomous data distributing-machine having at least:
a mass memory;
a means of selection of the data contained in the mass memory;
a means of loading the data selected on independent data supports;
characterized in that it has a reader directly accessible from outer, and dedicated to the reading of data supports brought by a creator, for example CD or DVD;

2 **(Canceled)** Autonomous data distributing-machine according to claim 1,
characterized in that it has an intermediate memory in which will be charged temporarily the data read by the reader dedicated to the reading of the data support brought by a creator;

3 **(Canceled)** Autonomous data distributing-machine according to claim 1,
characterized in that it has a means of analysis providing a musical and/or lexical fingerprint or hallmark of each audio-visual piece constituting the data brought by a creator, and read by the dedicated reader;

4 **(Canceled)** Autonomous data distributing-machine according to claim 1,
characterized in that to each piece of audio-visual data existing in the mass memory is added its musical and/or lexical fingerprint or hallmark.

5 **(Canceled)** Autonomous data distributing-machine according to claim 1,
characterized in that it has a means of comparison of the musical and/or lexical fingerprints or hallmarks allowing to the said autonomous data distributing-machine :
a) to compare an audio-visual piece brought by a creator with audio-visual pieces existing in mass memory,
b) to accept or refuse the pieces brought by the creator,

6 **(Canceled)** Autonomous data distributing-machine according to claim 1,
characterized in that it has a means to fix the price of hiring of the memory capacity which will be occupied by the accepted audio-visual data, increased by their musical and/or lexical fingerprints or hallmarks, and on standby in the intermediate memory.

7 **(Canceled)** Autonomous data distributing-machine according to claim 1,
characterized in that it has a specific means of payment authorizing the loading in the mass memory, of the data in standby in the intermediate memory, when the payment of the hiring is made.

8 **(Canceled)** Autonomous slot-machine of data according to claim 1,
characterized in that the means of analysis of the data determines and displays, in absolute value and expressed as a percentage, the sums which will be versed to the creators and/or legal claimants of the data choosen by user.

NEW claims January 21, 2009
Claims 9 to 14 - Creation and comparison of numerical fingerprints
Claims 15 to 19 - Hiring of capacity of the mass memory
Claims 20 and 21 - Reading of data works brought by a creator
Claims 9-20 (new) - MPEP 1.121(1)

Autonomous data distributing machine having at least :
a mass memory containing the data intended to be sold by the distributing machine;
a means of selection of the data contained in the mass memory;
a means of loading the data selected on independent data supports;
a means of setting the price to pay by customer to obtain the independant data support loaded with selected data;
a means of payment of the said price;
a means of availability of these independants data supports to customers;
a means of reading independent data supports brought by a creator;
a means of intermediate memory to put in standby the data brought by a creator;
a means of writing on the mass memory the data brought by a creator;
characterized in that it has means of analysis allowing the creation of numerical fingerprints of musical and audio-video data works and allowing the comparison of such numerical fingerprints.

10) Autonomous data distributing machine according to claim 9,
characterized in that the means of analysis creates a numerical fingerprint of each data works brought by the creator.

11) Autonomous data distributing machine according to claim 9,
characterized in that to each data work contained in the mass memory is added its numerical fingerprint.

12) Autonomous data distributing machine according to claim 9,
characterized in that the means of analisys compare the numerical fingerprints of the data works brought by the creator with the numerical fingerprints contained in the mass memory.

13) Autonomous data distributing machine according to claim 9,
charaterized in that the means of analisys accepts or refuses the loading on the mass memory of the data works brought by the creator and in standby in the intermediate memory.

14) Autonomous data distributing machine according to claim 9,
charaterized in that in case of indecision of the means of analysis, this means calls distant means, computer means or human means.

15) Autonomous data distributing machine having at least :
a mass memory containing the data intended to be sold by the distributing machine;
a means of selection of the data contained in the mass memory;
a means of loading the data selected on independent data supports;
a means of setting the price to pay by customer to obtain the independant data support loaded with selected data;
a means of payment of the said price:
a means of availability of these independants data supports to customers;
a means of reading independent data supports brought by a creator;
a means of intermediate memory to put in standby the data brought by a creator;
a means of writing on the mass memory the data brought by a creator;
characterized in that it has a means to determine the capacity of the mass memory which will be occupied by the data brought by a creator and in standby in the intermediate memory.

16) Autonomous data distributing machine according to claim 15,

characterized in that it has a means to set the price of the hiring of the capacity of the mass memory which will be occupied by the data brought by a creator and in standby in the intermediate memory, and eventually in mass memories of distant other data distributing machines.

17) Autonomous data distributing machine according to claim 15,
characterized in that the means of setting the price to pay by a customer to obtain an independent support lodead with selected data, or a particular means, sets the price to pay by the creator to load in the mass memory the data in standby in the intermediate memory.

18) Autonomous data distributing machine according to claim 15,
charaterized in that the means of payment of the price for obtain independent data support loaded with selected data, or a particular means, authorises the loading on the mass memory of the data brought by a creator and in standby in the intermediate memory only when the price of the hiring is paid.

19) Autonomous data distributing-machine having at least :
a mass memory containing the data intended to be sold by the distributing machine;
a means of selection of the data contained in the mass memory;
a means of loading the data selected on independent data supports;
a means of setting the price to pay by customer to obtain the independant data support loaded with selected data;
a means of payment of the said price;
a means of availability of these independants data supports to customers;
a means of analysis allowing the creation and the comparison of numerical fingerprint;
characterized in that it has a means of reading independent data supports brought by a creator.

20) Autonomous data distributing machine according to claim 19,
characterized in that it has an intermediate memory to put in standby the data brought by a creator.

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CORRESPONDENCE BETWEEN CLAIMS AND DESCRIPTION

The pertinent elements of the description **(original text (DI20051120))**, are inserted in italic in the claims.
This original text **(DI20051120)** is appended in original pagination 1-4.

9) Autonomous data distributing machine having at least :
a mass memory containing the data intended to be sold by the distributing machine;
a means of selection of the data contained in the mass memory;
a means of loading the data selected on independent data supports;
a means of setting the price to pay by customer to obtain the independant data support loaded with selected data;
a means of payment of the said price;
a means of availability of these independants data supports to customers;
a means of reading independent data supports brought by a creator;
a means of intermediate memory to put in standby the data brought by a creator;
a means of writing on the mass memory the data brought by a creator;
characterized in that it has means of analysis allowing the creation of numerical fingerprints of musical and audio-video data works, and allowing the comparison of such numerical fingerprints.

Page 1, line 47 :
The reading device makes an analysis of these data, accepts them or not, .../...
Page 2, lines 4-6 :
Reader 11 of these independent supports containing the data to be loaded on the mass memory 6 transmits these data to a local 12 or distant 12a, automatic or human, means of analysis, which decides acceptance or refusal of the data, .../...
Page 2, lines 39-42 :
***12 and 12a - According to the invention** - Means of analysis of the data to be written on the mass memory 6*
***12b and 12c - According to the invention** - Spectra of musical and lexical data to be compared*
Page 3, lines 8 -10 :
This suitable reader 11 includes a means of temporary storage 11a in connection with a means of analysis local 12, or distant 12a, purely data-processing or with human component.

10) Autonomous data distributing machine according to claim 9,
characterized in that the means of analysis creates a numerical fingerprint of each data works brought by the creator.

Page 3, lines 15-17 :
In the case of musical data, the means of analysis 12 or 12a does a spectrum 12b of musical notations, and a lexical analysis of the text possibly accompanying the music, per separated pieces,.../...

11) Autonomous data distributing machine according to claim 9,
characterized in that to each data work contained in the mass memory is added its numerical fingerprint.

Page 3, lines 17-19 :
.../...and compares this spectrum and this lexical analysis with the spectra and lexical analyses 12c contained in the mass memory and accompanying each unit of stored musical data.

12) Autonomous data distributing machine according to claim 9,
characterized in that the means of analisys compare the numerical fingerprints of the data works brought by the creator with the numerical fingerprints contained in the mass memory.